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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,133	04/27/2001	Carolyn Wilson	LD 11620 GEC 2 0544	1400

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EXAMINER	
HARPER, HOLLY R	
ART UNIT	PAPER NUMBER

2879

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/844,133	Applicant(s) WILSON ET AL.	
	Examiner Holly R. Harper	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____     | 6) <input type="checkbox"/> Other:  |

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## DETAILED ACTION

### *Drawings*

1. The drawings filed on 4/27/01 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draft person's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities: Page 3, Lines 13 and 21 applicant points to element 14 in Figure 1 as both the first electrode and the first leg.
3. The disclosure is objected to because of the following informalities: Page 3, Lines 11-19 the elements described appear to belong with Figure 3 instead of Figure 1. Figure 1 does not show elements 14, 16, or 18.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6, 7, 11, 12, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 6, 7, 11, and 15 recite the limitation "the containment assembly" in Lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

7. Regarding claim 12, the phrase "basket-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "basket-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

The American Heritage Dictionary defines basket as a container made of interwoven material, such as rushes or twigs. One property of basket is that it is made of interwoven material. For examination purposes, basket will be assumed to mean an interwoven material.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1, 2, 4, 5, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa (USPN 6,509,674 B1).

In regard to claim 1, the Nakagawa reference discloses a discharge lamp with a reflector. The reflector has two cut-away openings as vent holes (Column 3, Lines 35-40). Perforated plates are fitted into the openings of the reflector (Column 3, Lines 54-56).

In regard to claim 2, the Nakagawa reference discloses that there are two panels. Both panels are fitted into the reflector so they are interconnected by the reflector, a structural member (Column 3, Lines 35-40).

In regard to claims 4 and 5, the Nakagawa reference discloses that the reflector has two vent holes formed adjacent to the front portion of the reflector, where the front glass is fitted (Column 3, Lines 39-40 and Figure 4).

In regard to claim 12, the Nakagawa reference discloses a discharge lamp with a reflector. The reflector has two cut-away openings as vent holes (Column 3, Lines 35-40). The

metal mesh sheets are formed to fit in the vent holes and because there is one on each side they circumferentially surround the light source (Column 4, Lines 19-23 and Figure 4).

In regard to claims 13 and 14, the Nakagawa reference discloses that the reflector has two vent holes formed adjacent to the front portion of the reflector, where the front glass is fitted (Column 3, Lines 39-40 and Figure 4).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (USPN 6,509,674 B1) in view of Ooms (USPN 6,300,717 B1).

In regard to claim 8, the Nakagawa reference discloses a discharge lamp with a reflector. The reflector has two cut-away openings as vent holes (Column 3, Lines 35-40). Perforated plates are fitted into the openings of the reflector (Column 3, Lines 54-56). The Nakagawa reference does not disclose how the plates are fitted to the reflector. The Ooms reference teaches the use of adhesives to attach additional elements to the reflector (Column 2, Lines 49-51). Adhesives provide a more accurate fit of the panels to the reflector than other means and make the product easier to manufacture.

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to use an adhesive to attach additional elements to the reflector, as taught by Ooms, to make manufacturing easier.

In regard to claims 9 and 10, the Nakagawa reference discloses that the reflector has two vent holes formed adjacent to the front portion of the reflector, where the front glass is fitted (Column 3, Lines 39-40 and Figure 4).

*Allowable Subject Matter*

11. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 3, and specifically comprising the limitation that the structural member is a wire.

12. Claims 6, 7, 11, and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claims 6, 11, and 15, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 6, 11, and 15, and specifically comprising the limitation of a discharge lamp with a cage that receives the reflector and the containment assembly secures the reflector to the cage.

Regarding claim 7, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 7 and specifically comprising the limitation that the containment assembly includes a support wire and individual panels secured to the wire.

*Conclusion*

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13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. West et al. (USPN 6,306,010) discloses vent holes in the reflector, but no perforated panels.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper  
Patent Examiner  
Art Unit 2879



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